

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3183 of 2015 (W)

PETITIONER :

**IBRAHIM, AGED 47 YEARS,
S/O.KOCHUMOHAMMED, POOVATHUMCHOTTIL, PAYIPRA
MULAVOOR VILLAGE, MUVATTUPUZHA**

BY ADV. SRI.ANIL K.MOHAMMED

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM 682 030**
- 2. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA - 683540**
- 3. THE VILLAGE OFFICER,
MULAVOOR VILLAGE, MUVATTUPUZHA 683540**

R1 TO R3 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 3183 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE ORDER NO K.DIS 5140/2014/A9 DTD,1/9/14
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE REPRESENTATION DTD 14/1/15 BEFORE THE 2ND
RESPONDENT,SUBMITTED BY THE PETITIONER**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 3183 of 2015

Dated this the 6th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

"To issue a writ of mandamus or such other appropriate writ, direction or order directing the respondents to consider Ext.P2 and to pass appropriate order granting permission to fill up the properties comprised in Sy.Nos.1082/5, 1082/9, 1082/10A, 1082/10B of Mulavoor Village with earth immediately."

2. The learned counsel for the petitioner submits that the property belonging to the petitioner is not a 'paddy land' or 'wet land' as per the definition under Sections 2(xii) and 2(xviii) of the Act 28 of 2008 and that the property is remaining as a reclaimed land for the past several years and in the said circumstance the same is not fit for cultivation. Accordingly the petitioner preferred application under Clause 6(2) of the KLU Order before the 2nd respondent. After detailed consideration Ext.P1 order was passed on 11.09.2014, whereby the petitioner was permitted to make use of the property for other than agricultural purposes. The petitioner now intends to develop the property and it was accordingly, that the petitioner moved the 2nd respondent again, for granting necessary permission in this regard, to fill up certain

extent of land by filing Ext.P2 application. The delay in causing the same to be considered and finalized made the petitioner to approach this Court by filing this writ petition.

3. Heard the learned Government Pleader as well, who submits that, the petitioner has already obtained sanction under Clause 6(2) of the KLU Order from the 2nd respondent and hence no further orders are necessary from the said respondent, to have the course pursued. It is also added that, for filling up the land for developmental purpose, permission has to be obtained from the concerned local authority. The petitioner has not moved the local authority, nor has he impleaded the said authority in the party array.

In the said circumstance, without prejudice to the rights and liberties of the petitioner to move the concerned local authority for redressal of the grievance, the writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**